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Attorney Docket No. 384818511US1

2124  
**PATENT**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

IN RE APPLICATION OF: ARNAIZ ET AL.

APPLICATION No.: 09/653,706

FILED: 09/01/2000

FOR: METHOD, SYSTEM, APPARATUS AND  
PROGRAM PRODUCT FOR DISTRIBUTION  
AND INSTANTIATION OF SOFTWARE  
UPGRADES

EXAMINER: WOOD, WILLIAM H.

ART UNIT: 2124

CONF. No: 5924

#13  
J. Carter  
3/30/04

**Submission Regarding Calculation of Claim Fees**

**RECEIVED**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

FEB 11 2004

Technology Center 2100

Dear Commissioner:


Applicants respectfully request to make of record the understanding that the claim fees for the above-referenced patent application were calculated and properly paid for. Applicants believe the relevant facts to be as follows.

This application was originally filed with 28 independent claims, 52 claims in total. The fees were not paid at the time of filing. A Preliminary Amendment was filed concurrently with the response to the Notice to File Missing Parts that replaced the originally filed claims with a new set of claims consisting of 2 independent claims, 10 claims in total. The claim fees, filing fee and missing parts fee appear to have been paid based on the new set of claims. The subsequent Corrected Filing Receipt dated April 25, 2001 indicates that the number of claims received are 10 in total, apparently corresponding to the new set of claims.

It is our understanding that the appropriate fees for this case have been properly paid based on 37 C.F.R. § 1.16 and MPEP 601.01(a). If the Commissioner finds that the fees were improperly calculated and that an additional payment is required, however, the Commissioner is requested to charge any necessary additional fees to Deposit Account No. 50-0665.

Respectfully submitted,  
Perkins Coie LLP

Date: 2/6/04

  
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